

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40)

Instructions for Completing Application WPA Form 3 – Notice of Intent

Please read these instructions before completing the Notice of Intent application form (WPA Form 3) for more information on certain items that are not self-explanatory.

Purpose of the Notice of Intent

To protect the Commonwealth's wetland resources, the Massachusetts Wetlands Protection Act (General Law Chapter 131, Section 40) prohibits the removal, dredging, filling, or altering of wetlands without a permit. To obtain a permit (called an Order of Conditions), a project proponent must submit an application to the Conservation Commission and the Department of Environmental Protection (the Department). The Notice of Intent application provides the Conservation Commission and the Department with a complete and accurate description of the:

- site, including the type and boundaries of resource areas under the Wetlands Protection Act, and
- proposed work, including all measures and designs proposed to meet the performance standards described in the Wetlands Protection Act Regulations, 310 Code of Massachusetts Regulations (CMR) 10.00, for each applicable resource area.

The applicant is responsible for providing the information required for the review of this application to the issuing authority (Conservation Commission or the Department of Environmental Protection). The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the issuing authority which may result in an unnecessary delay in the issuance of an Order of Conditions.

To complete this form, the applicant should refer to the wetlands regulations (310 CMR 10.00) which can be obtained from the Department's web site at www.state.ma.us/dep. Regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers (see Appendix A for locations). Regulations also are available for sale

from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).

Requirements for Professional Services

The issuing authority may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (PE) when, in its judgment, the complexity of the proposed work warrants this certification. Examples of information likely to require certification by a PE include: hydraulic and hydrologic calculations; critical elevations and inverts; and drawings for water control structures such as head walls, dams, and retention areas.

The issuing authority also may require that supporting materials be prepared by other professionals including, but not limited to, a registered architect, registered landscape architect, registered land surveyor, registered sanitarian biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.

Completing WPA Form 3

Leave the box entitled "DEP File Number" blank. The DEP File Number for this project will be issued to the Conservation Commission. Once issued, all subsequent correspondence on the project should reference the DEP file number.

Section A: General Information

Item 5. Project Location. Include a street address (if one exists) and, if known, the Assessors map or plat number, the parcel number, and the lot number. The map or plat, parcel, and lot numbers must be included if the lot subject to the Notice does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

Item 7. Summary of Project Impacts. Provide a summary of project impacts, which are more fully described in Section C, Item 1b. Identify each resource area and describe the size of the impact using the appropriate measurement term for the resource area involved (e.g., Bordering Vegetated

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Wetland: square feet, Bank: linear feet; fill in
Bordering Land Subject to Flooding: cubic feet).

Section B: Project Description

Item 1. General Project Description. The applicant should provide a brief description of the project. Describe, and show on accompanying maps and plans, both existing and proposed site conditions, including temporary construction impacts, replication areas, and/or other mitigation measures. Attach maps, plans, and other documents identifying proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone.

Section C: Activities Subject to Regulation

To determine the size and location of any impacts which a proposed project may have on each wetland resource area, first determine the resource area boundaries (even if the project is entirely in the Buffer Zone).

The boundary of the Buffer Zone is determined by measuring 100 feet horizontally from those areas specified in Item 1a.

The boundaries of inland resource areas in Items 1a and 1b can be determined by reference to the wetlands regulations, subsection (2), "Definitions, Critical Characteristics, and Boundaries," for each resource area covered under 310 CMR 10.54 - 10.58. The Riverfront Area, listed in Item 2b, also can be a coastal resource area.

The boundaries of coastal resource areas (in Items 1a and 1b) can be determined by reference to 310 CMR 10.25 – 10.35, and to the definitions found in 310 CMR 10.04 and 10.23, and M.G.L. c. 131, § 40.

The width of the Riverfront Area (in Item 1b) is described in 310 CMR 10.58(2)(a)3, and the methods for determining the Mean Annual High-Water Line (which is the inner boundary) are found in 310 CMR 10.58(2)(a)2 and 10.58(2)(c).

Item 2. Bordering Vegetated Wetland Delineation.

If the Conservation Commission or the Department has issued a Final Order of Resource Area Delineation that confirms the BVW boundary delineation, submit the Order with the Notice of Intent. Otherwise, use one of the methods indicated in Item 2 to determine the boundaries of Bordering Vegetated Wetlands (BVW). On the form, check all the methods that are used to determine the boundary. These methods are discussed in the wetland

regulation at 310 CMR 10.55(2)(c). When undertaking BVW delineations, whether by vegetation alone or by vegetation and other indicators of wetland hydrology, applicants are encouraged to use the Department's BVW Handbook: *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (1995). This document is available for purchase from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378). The Department encourages applicants to complete the BVW Field Data Form contained in the handbook and submit it with the Notice of Intent. If detailed vegetative assessments are not required for a particular site, the reasons should be noted on the Field Data Form.

Item 3. Sites Subject to Special Protection

3a. Rare Wetland Wildlife Habitat. Except for Designated Port Areas, no work may be permitted in any resource area subject to the Act which would have adverse effects on the habitat of rare, "state-listed" vertebrate or invertebrate animal species. The applicant must contact the Conservation Commission to see if the proposed work (including work in the Buffer Zone) is within estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program. If the proposed work is located within such an area, the applicant must send the Natural Heritage Program (Natural Heritage and Endangered Species Program, Division of Fisheries and Wildlife, Route 135, North Drive, Westborough, MA 01581 508.792.7270) a copy of the Notice of Intent by certified mail or priority mail (or otherwise sent in a manner that guarantees delivery within two days), no later than the date of the filing of the Notice of Intent with the Conservation Commission and the Department. Evidence of mailing to the Natural Heritage Program (such as Certified Mail Receipt or Certificate of Mailing for Priority Mail) must be submitted to the Conservation Commission and the Department's Regional Office along with the Notice of Intent.

3b. Areas of Critical Environmental Concern. If the project is proposed in one of the communities listed in Appendix D, the project may be located in an Area of Critical Environmental Concern (ACEC). To confirm whether the project location is in an ACEC, contact the Conservation Commission or the Department of Environmental Management (DEM) ACEC Program at either:

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100 Cambridge Street, Room 1404
Boston, MA 02202
617.727.3160 x552

or

136 Damon Road
Northampton, MA 01060
413.586.8706 x21

The ACEC Program also may be contracted for additional information or to verify new ACEC designations.

3c. Restriction Orders. If any portion of the proposed project is located on a site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131 § 40A) or Coastal Wetlands Restriction Act (M.G.L. c. 130 § 105), attach a copy of the order to the Notice of Intent. To determine if a Wetlands Restriction Order exists for the site, contact the Conservation Commission or the Department's Regional Office (see Appendix A).

Section D: Performance Standards

The wetland regulations describe the type and extent of work that may be permitted in resource areas, called performance standards. Proposed work must meet these standards.

Item 1. Limited Projects are categories of activities specified in the regulations at 310 CMR 10.24(7) and 10.53(3) – (6), which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards.

Item 2. Exemptions. Exemptions are allowed under the Wetlands Protection Act for certain mosquito control, commercial cranberry bogs, agricultural, and aquacultural projects and for projects authorized by Special Act prior to 1/1/73. These exemptions are defined, in part, in the 310 CMR 10.03(6) and in the definitions of agriculture and aquaculture in 310 CMR 10.04. In addition, there are exemptions for certain stormwater management projects (310 CMR 10.02(3)); specific minor activities in the Buffer Zone (310 CMR 10.02(2)(b)); and certain other projects in the Riverfront Area (310 CMR 10.58(6)(b)).

Item 3. Riverfront Area. For projects in the Riverfront Area, project purpose is defined in 310 CMR 10.58(4)(c)1. and 2.

Item 4a. Performance standards for inland resource areas, including the Riverfront Area (which can be either inland or coastal), are described in the wetland regulations, subsection (3) "General Performance Standards" for each resource area covered under 310 CMR 10.54 - 58. **Performance standards for coastal resource areas** (excluding the Riverfront Area) are described in various subsections within 310 CMR 10.25 - 10.35. **Performance standards for limited projects** are described in the regulations at 310 CMR 10.24(7) and 10.53(3)-(6). Among other performance standards, **alternatives analyses** are required for most limited projects and for all projects in the Riverfront Area. Detailed requirements for the evaluation of alternatives to proposed work in the Riverfront Area are described at 310 CMR 10.58(4).

Item 4b. Stormwater Management. According to DEP's Stormwater Policy (revised March 1997), certain projects require stormwater management measures. To determine if a project requires stormwater management, consult the policy which is included in the Department publications: *Stormwater Management Volume One: Stormwater Policy Handbook* (March 1997) and *Stormwater Management Volume Two: Stormwater Technical Handbook* (March 1997). These documents are available for purchase from the State House Bookstore (617/727-2834) and State House Bookstore West (413/784-1378) and also may be obtained from DEP's web site at **www.state.ma.us/dep**.

If stormwater management is required, applicants are encouraged to complete Appendix C: Stormwater Management Form and submit it with the Notice of Intent to provide stormwater management information for Conservation Commission review consistent with the wetland regulations, 310 CMR 10.05(6)(b). The Department encourages engineers to use the form to certify that the project conforms with the Stormwater Policy and meets acceptable engineering standards.

Section E: Additional Information

All listed information must be provided along with the Notice of Intent.

Plans should be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work. The following guidelines are provided to encourage uniformity:

Sheet Size

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- Maximum 24" x 36"
- If more than one sheet is required to describe the proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to protection under the Act.

Scale

- Not more than 1" = 50'
- If plans are reduced, display graphical scales.

Title Block

- Included on all plans
- Located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin
- Include original date plus additional space to reference the title and dates of revised plans.

Section F: Fees

A wetland application filing fee must accompany the Notice of Intent. The fee is based on the category of the proposed activity (described in 310 CMR 10.03(7)) and the resource area to be impacted by the activity. To calculate the filing fee, see the instructions in Appendix B: Wetland Fee Transmittal Form.

The total fee for a Notice of Intent that involves more than one activity is determined by adding the fees for each proposed activity. When work is proposed in the Riverfront Area, as well as another resource area or the Buffer Zone, add 50% to the fee for each activity in the Riverfront Area. For activities exclusively within the Riverfront Area, and not within other resource areas or Buffer Zones, the fee is determined by adding the amounts for each proposed activity. The city/town share of the fee is the first \$25, plus half of the remaining total fee. The state share is half the total fee in excess of \$25.

Complete pages 1 and 2 of Appendix B and send them, along with a check for the state share of the filing fee, payable to *the Commonwealth of Massachusetts*, to DEP, Box 4062, Boston, MA 02211. Review of the Notice of Intent cannot begin until the fee is received.

Include check number and payor name information on the Notice of Intent to expedite fee payment confirmation.

No fee shall be assessed for projects of the federal government, the Department of Environmental Protection, or cities and towns of the Commonwealth.

In addition, a notice of the application must be placed in a local newspaper, and published at least five days prior to the hearing, at the applicant's expense. Please contact your Conservation Commission regarding the procedure for public newspaper notice.

Section G: Signatures and Submittal Requirements

Submittal Requirements. Follow the filing instructions on the form. The Notice must be sent to the appropriate DEP Regional Office (see Appendix A). For additional filing requirements, see instructions for Section C, Item 3a - c: Sites Subject to Special Protection. The original and copies must be sent simultaneously. Failure by the applicant to send the copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

Town

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:

Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. Applicant:

Name	E-Mail Address (if applicable)	
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

2. Representative (if any):

Firm		
Contact Name	E-Mail Address (if applicable)	
Mailing Address		
City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

3. Property Owner (if different from applicant):

Name		
Mailing Address		
City/Town	State	Zip Code

4. Total Fee:

(from Appendix B: Wetland Fee Transmittal Form)

5. Project Location:

Street Address	City/Town
Assessors Map/Plat Number	Parcel /Lot Number

6. Registry of Deeds:

County	Book	Page
Certificate (if Registered Land)		



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A. General Information (cont.)

7. Summary of Project Impacts:

a. Is any work being proposed in the Buffer Zone?

☐ Yes If yes, how many square feet?

Square Feet

☐ No

b. List the impacts of proposed activities on each wetland resource areas (temporary and permanent impacts, prior to restoration and mitigation):

Resource Area

Size of Impact (e.g., sq. ft.)

B. Project Description

1. General Project Description:

2. Plan and/or Map References:

Title

Date



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C. Activities Subject to Regulation

1. a. Check the applicable resource areas if work is to be conducted in an associated Buffer Zone:

Inland Resource Areas

- ☐ Inland Bank
☐ Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

- ☐ Coastal Beach ☐ Barrier Beach
☐ Rocky Intertidal Shore ☐ Coastal Dune
☐ Salt Marsh ☐ Coastal Bank

- b. Complete for all proposed activities located, in whole or in part, in Wetland Resource Area(s).

Inland Resource Areas:

Bordering Vegetated Wetlands:

Square Feet altered

Square Feet replaced

Land Under Water Bodies:

Square Feet altered

Cubic Yards dredged

Bank:

Linear Feet altered

Bordering Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Coastal Resource Areas:

Coastal Dune:

Square Feet altered

Cubic Yards/Volume removed

Salt Marsh:

Square Feet altered

Coastal Bank:

Linear Feet altered

Land Under Salt Pond:

Square Feet altered

Cubic Yards dredged

Rocky Intertidal Zone:

Square Feet altered

Designated Port Area:

Square Feet altered



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C. Activities Subject to Regulations (cont.)

Fish Run:

Linear Feet altered

Land Subject to Coastal Storm Flowage:

Square Feet altered

Land Under Ocean:

Square Feet altered

Cubic Yards dredged

Land Containing Shellfish:

Square Feet altered

Beach:

Square Feet altered

Riverfront Area:

a. Name of Waterway (if available):

b. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.



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C. Activities Subject to Regulation (cont.)

2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

- ☐ Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
- ☐ DEP BVW Field Data Form (attached)
- ☐ Final Determination of Applicability issued by Conservation Commission (attached)
- ☐ Other Methods for Determining the BVW boundary (attach documentation):
 - ☐ 50% or more wetland indicator plants
 - ☐ Saturated/inundated conditions exist
 - ☐ Groundwater indicators
 - ☐ Direct observation
 - ☐ Hydric soil indicators
 - ☐ Credible evidence of conditions prior to disturbance.

3. a. Is any portion of the proposed project located in estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

- ☐ Yes If yes, include proof of mailing or hand delivery of NOI to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

- ☐ No

Date of Map

b. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- ☐ Yes If yes, provide name of ACEC (see Appendix D for ACEC locations):

- ☐ No

c. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

- ☐ Yes

- ☐ No



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Performance Standards

1. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

☐ Yes

If yes, describe which limited project applies to this project:

☐ No

2. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.

☐ Yes

If yes, describe which exemption applies to this project:

☐ No

- 3 a. Is the project located in the Riverfront Area?

☐ Yes

If yes, indicate the proposed project purpose:

☐ Single Family House

☐ Industrial Development

☐ Residential Subdivision

☐ Commercial Development

☐ Transportation

☐ Other (describe)

- b. Was the lot where the activity is proposed created prior to August 1, 1996?

☐ Yes

☐ No

4. a. Describe how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location. Attach narrative and supporting documentation.

- b. Is this project exempt from the DEP Stormwater Policy?

☐ Yes

If yes, explain why the project is exempt:

☐ No

If no, stormwater management measures are required. Applicants are encouraged to complete Appendix C: Stormwater Management Form and submit it with this form.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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E. Additional Information

Applicants must include the following with this Notice of Intent (NOI):

- USGS or other map of the area (along with a narrative description, if necessary), containing sufficient information for the Conservation Commission and the Department to locate the site.
- Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland (BVW) replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this NOI.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Appendix B. Wetland Fee Transmittal Form).

No fee shall be assessed for projects of the federal government, the Department, or cities and towns of the Commonwealth.

Applicants must submit the following information (in addition to pages 1 and 2 of Appendix B) to confirm fee payment:

Check Number

Check date

Payor name on check

Applicant name (if different from payor)

G. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date



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G. Signatures and Submittal Requirements (cont.)

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For DEP:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and a copy of the state fee payment must be sent to the DEP Regional Office (see Appendix A) by certified mail or hand delivery.

Other:

If the applicant has checked the “yes” box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Appendix A – DEP Regional Addresses
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Mail transmittal forms and DEP payments, payable to:

Commonwealth of Massachusetts
Department of Environmental Protection
Box 4062
Boston, MA 02211

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: 413-784-1100
Fax: 413-784-1149

Adams	Colrain	Hampden	Monroe	Pittsfield	Tyringham
Agawam	Conway	Hancock	Montague	Plainfield	Wales
Alford	Cummington	Hatfield	Monterey	Richmond	Ware
Amherst	Dalton	Hawley	Montgomery	Rowe	Warwick
Ashfield	Deerfield	Heath	Monson	Russell	Washington
Becket	Easthampton	Hinsdale	Mount Washington	Sandisfield	Wendell
Belchertown	East Longmeadow	Holland	New Ashford	Savoy	Westfield
Bernardston	Egremont	Holyoke	New Marlborough	Sheffield	Westhampton
Blandford	Erving	Huntington	New Salem	Shelburne	West Springfield
Brimfield	Florida	Lanesborough	North Adams	Shutesbury	West Stockbridge
Buckland	Gill	Lee	Northampton	Southampton	Whately
Charlemont	Goshen	Lenox	Northfield	South Hadley	Wilbraham
Cheshire	Granby	Leverett	Orange	Southwick	Williamsburg
Chester	Granville	Leyden	Otis	Springfield	Williamstown
Chesterfield	Great Barrington	Longmeadow	Palmer	Stockbridge	Windsor
Chicopee	Greenfield	Ludlow	Pelham	Sunderland	Worthington
Clarksburg	Hadley	Middlefield	Peru	Tolland	

DEP Central Region
627 Main Street
Worcester, MA 01608
Phone: 508-792-7650
Fax: 508-792-7621
TDD: 508-767-2788

Acton	Charlton	Hopkinton	Millbury	Rutland	Uxbridge
Ashburnham	Clinton	Hubbardston	Millville	Shirley	Warren
Ashby	Douglas	Hudson	New Braintree	Shrewsbury	Webster
Athol	Dudley	Holliston	Northborough	Southborough	Westborough
Auburn	Dunstable	Lancaster	Northbridge	Southbridge	West Boylston
Ayer	East Brookfield	Leicester	North Brookfield	Spencer	West Brookfield
Barre	Fitchburg	Leominster	Oakham	Sterling	Westford
Bellingham	Gardner	Littleton	Oxford	Stow	Westminster
Berlin	Grafton	Lunenburg	Paxton	Sturbridge	Winchendon
Blackstone	Groton	Marlborough	Pepperell	Sutton	Worcester
Bolton	Harvard	Maynard	Petersham	Templeton	
Boxborough	Hardwick	Medway	Phillipston	Townsend	
Boylston	Holden	Mendon	Princeton	Tyngsborough	
Brookfield	Hopedale	Milford	Royalston	Upton	

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: 508-946-2700
Fax: 508-947-6557
TDD: 508-946-2795

Abington	Dartmouth	Freetown	Mattapoisett	Provincetown	Tisbury
Acushnet	Dennis	Gay Head	Middleborough	Raynham	Truro
Attleboro	Dighton	Gosnold	Nantucket	Rehoboth	Wareham
Avon	Duxbury	Halifax	New Bedford	Rochester	Wellfleet
Barnstable	Eastham	Hanover	North Attleborough	Rockland	West Bridgewater
Berkley	Hanson	Harwich	Norton	Sandwich	Westport
Bourne	Kingston	Lakeville	Norwell	Scituate	West Tisbury
Brewster	Edgartown	Mansfield	Oak Bluffs	Seekonk	Whitman
Bridgewater	Fairhaven	Marion	Orleans	Sharon	Wrentham
Brockton	Fall River	Marshfield	Pembroke	Somerset	Yarmouth
Carver	Falmouth	Mashpee	Plainville	Stoughton	
Chatham	Foxborough		Plymouth	Swansea	
Chilmark	Franklin		Plympton	Taunton	

DEP Northeast Region
205 Lowell Street
Wilmington, MA 01887
Phone: 978-661-7600
Fax: 978-661-7615
TDD: 978-661-7679

Amesbury	Chelmsford	Hingham	Merrimac	Quincy	Wakefield
Andover	Chelsea	Holbrook	Methuen	Randolph	Walpole
Arlington	Cohasset	Hull	Middleton	Reading	Waltham
Ashland	Concord	Ipswich	Millis	Revere	Watertown
Bedford	Danvers	Lawrence	Milton	Rockport	Wayland
Belmont	Dedham	Lexington	Nahant	Rowley	Wellesley
Beverly	Dover	Lincoln	Natick	Salem	Wenham
Billerica	Dracut	Lowell	Needham	Salisbury	West Newbury
Boston	Essex	Lynn	Newbury	Saugus	Weston
Boxford	Everett	Lynnfield	Newburyport	Sherborn	Westwood
Braintree	Framingham	Malden	Newton	Somerville	Weymouth
Brookline	Georgetown	Manchester-By-The-Sea	Norfolk	Stoneham	Wilmington
Burlington	Gloucester	Marblehead	North Andover	Sudbury	Winchester
Cambridge	Groveland	Medford	North Reading	Swampscott	Winthrop
Canton	Hamilton	Medford	Norwood	Tewksbury	Woburn
Carlisle	Haverhill	Melrose	Peabody	Topshfield	



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Appendix B – Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Applicant Information

1. Applicant:

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

3. Project Location:

Street Address

City/Town

B. Fees

To calculate filing fees, refer to the category fee list and examples in Section D of this form.

Abbreviated Notice of Resource Area Delineation (Form 4A):

The fee is calculated as follows (check applicable project type):

☐ single family house project

_____ X \$1.00= _____
(feet of BVW)

Total fee (not to exceed \$100)

☐ all other projects

_____ X \$1.00= _____
(feet of BVW)

Total fee (not to exceed \$1,000)

State share of filing fee: _____

(1/2 of total fee **less** \$12.50)

City/Town share of filing fee: _____

(1/2 of total fee **plus** \$12.50)



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B. Fees (cont.)

Abbreviated Notice of Intent (Form 4) or Notice of Intent (Form 3):

The fee should be calculated using the following six-step process and worksheet:

Step 1/Type of Activity: Describe each type of activity (see Section D for a list of activities) that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories in Section D.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category(identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____
(Total fee from Step 5)

State share of filing fee: _____
(1/2 total fee **less** \$12.50)

City/Town share of filling fee: _____
(1/2 total fee **plus** \$12.50)



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C. Submittal Requirements

- i. Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- ii. **To the Conservation Commission:** Send the Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation; a **copy** of pages 1 and 2 of this form; and the city/town fee payment.
- iii. **To DEP Regional Office** (see Appendix A): Send the Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation; a **copy** of pages 1 and 2 of this form; and a **copy** of the state fee payment.

D. Calculating Wetland Filing Fees

The wetland filing fee should be calculated using the following steps. The examples listed for each step are based on a project that involves two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.

Step 1/Type of Activity: Review plans and narrative to identify each activity in wetland resource areas and Buffer Zones. Example: driveway crossing and construction of a single family house.

Step 2/Number of Activities: Determine the number of each activity associated with the project. Example: driveway crossings and 6 single family homes

Step 3/Individual Activity Fee: List the fee amount for each category of activity (see Category Activities and Fee on page 4) Example: Driveway crossing is a Category 2(f.) activity and is \$250 each. Construction of a single family house is a Category 2(a.) activity and is \$250 each.

Step 4/Subtotal Activity Fee: Determine the subtotal fee for each type of activity by multiplying the fee for the activity (Step 3) by the number of activities (Step 2). If the activity is within the Riverfront Area as well as another resource area or Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5). If the activity is located in a Riverfront Area only, apply the fee amount for the category without the additional 50%. Example: 2 (driveway crossings in BVW) x \$250 x 1.5 (for riverfront area) = \$750; 6 (single family homes) x \$250 = \$1,500.

Step 5/Total Project Fee: Add all the subtotals identified in Step 4 to determine the total fee. Example: \$750 + \$1,500 = \$2,250.

Step 6/Fee Payments: The state share of the fee is 50% of any filing fee in excess of \$25 (i.e., the state share can be determined by dividing the total fee in half and subtracting \$12.50); the remaining portion of the fee shall be made to the city or town (i.e., the City/Town share can be determined by dividing the total fee in half and adding \$12.50). Example: City/Town share: \$1,137.50; state share: \$1,112.50.



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D. Calculating Wetland Filing Fees (cont.)

Category Activities and Fees

Category 1 (Fee for each activity is **\$55**):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

Category 2 (Fee for each activity is **\$250**):

- a) construction of single family house;
- b) parking lot;
- c) beach nourishment;
- d) electric generating facility activities;
- e) inland limited projects minus road crossings and agriculture;
- f) each crossing for driveway to single family house;
- g) each project source (storm drain) discharge;
- h) control vegetation in development;
- i) water level variations;
- j) any other activity not in Category 1, 3, 4, 5 or 6;
- k) water supply exploration.

Category 3 (Fee for each activity is **\$525**):

- a) site preparation (for development) beyond Notice of Intent scope;
- b) each building (for development) including site;
- c) road construction not crossing or driveway;
- d) hazardous cleanup;
- e) water supply development.

Category 4 (Fee for each activity is **\$725**):

- a) each crossing for development or commercial road;
- b) dam, sluiceway, tidegate (safety) work;
- c) landfills operation/closures;
- d) sand and gravel operations;
- e) railroad line construction;
- f) bridge;
- g) hazardous waste alterations to resource areas;
- h) dredging;
- i) package treatment plant and discharge;
- j) airport tree clearing;
- k) oil and/or hazardous material release response actions.

Category 5 (Fee is **\$2 per linear foot**; total fee not less than \$50 or more than \$1,000):

- a) work on docks, piers, revetments, dikes, etc. (coastal or inland).

Category 6 (Fee is **\$1 per linear foot**; but not to exceed \$100 for activities associated with a single family house or \$1,000 for all other activities)

- a.) boundary delineations for Bordering Vegetated Wetlands.



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D. Calculating Wetland Filing Fees (cont.)

Examples of How to Calculate Wetland Filing Fees

Example: New single family house with associated work located within Riverfront Area (RA) only:

There is one Category 2 activity (2.a., single family home construction and associated work).

Fee for home and associated work (RA): = \$250

Total Fee: \$250

Fee due City/Town: \$137.50 ($\$250/2 + \12.50)

Fee due State: \$112.50 ($\$250/2 - \12.50)

Example: Construction of 10 single family homes within a subdivision, eight of the homes are within a Riverfront Area (RA), and a portion of each of the two remaining homes are within Bordering Vegetated Wetland (BVW) and RA. There will be 4 stormwater discharges located within Buffer Zone. There also is one limited project access roadway reviewable under 310 CMR 10.53(3)(e) located in BVW and RA.

There are ten Category 2 projects (2(a.), 10 homes each involving work in a wetland resource area) and one Category 4 project 4(a.), limited project for access to residential subdivision). The fee for review of the stormwater discharges is included in Category 2(a.).

Fee for single family homes:

8 in RA (\$250 for each of the 8 homes) = \$2000

2 in BVW: $\$500 \times 1.5$ (RA) = \$750

Fee for limited project access: $\$725$ (BVW) $\times 1.5$ (RA) = \$1087.50

Total Fee: \$3837.50

Fee due City/Town: \$1931.25 ($\$3837.50/2 + 12.50$)

Fee due State: \$1906.25 ($\$3837.50/2 - \12.50)



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D. Calculating Wetland Filing Fees (cont.)

Example: Construction of a parking lot and three storm drain outlets within Bordering Land Subject to Flooding (BLSF), and within the Riverfront Area (RA). A septic system will be constructed within a Buffer Zone that is also within RA.

There is one Category 1 activity (i.e. septic system in Buffer Zone) and four category 2 activities (2.b. parking lot and (2.g., three storm drain outlets):

Fee for parking lot: $\$250 \text{ (BLSF)} \times 1.5 \text{ (RA)} = \375

Fee for storm drain: $\$750 \text{ (3 storm drains in BLSF)} \times 1.5 \text{ (RA)} = \1125

Fee for septic system: $\$55 \text{ (Buffer Zone)} \times 1.5 \text{ (RA)} = \82.50

Total Fee: \$1582.50

Fee due City/Town: \$803.75 ($\$1582.50/2 + \12.50)

Fee due State: \$778.75 ($\$1582.50/2 - \12.50)

Example: Confirmation of the delineation of a 120-foot Bordering Vegetated Wetland (BVW) line and a Riverfront Area (RA) by submitting an Abbreviated Notice of Resource Area Delineation (ANORAD). The project involves construction of a single family house (SFH).

There is one Category 6 activity:

Fee for BVW delineation ($120 \text{ feet} \times \$1.00/\text{foot} = \$120$) $\$100^*$

Fee for RA delineation = $\$0^{**}$

Total Fee: \$100.00

Fee due City/Town: \$62.50 ($\$100/2 + \12.50)

Fee due State: \$38.50 ($\$100/2 - \12.50)

* Note: Even though the total is \$120, the total fee cannot exceed \$100 for SFH.

**Note: Under ANORAD, there is no fee for other Resource Area delineations).



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WPA Appendix C – Stormwater Management Form
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A. Property Information

1. The proposed project is:

Note:

This November 2000 version of the Stormwater Management Form supersedes earlier versions including those contained in DEP's Stormwater Handbooks.

New development ☐ Yes

☐ No

Redevelopment ☐ Yes

☐ No

Combination ☐ Yes (If yes, distinguish redevelopment components from new development components on plans).

☐ No

2. Stormwater runoff to be treated for water quality are based on which of the following calculations:

☐ 1 inch of runoff x total impervious area of post-development site for discharge to **critical areas** (Outstanding Resource Waters, recharge areas of public water supplies, shellfish growing areas, swimming beaches, cold water fisheries).

☐ 0.5 inches of runoff x total impervious area of post-development site for other resource areas.

3. List all plans and documents (e.g. calculations and additional narratives) submitted with this form:

B. Stormwater Management Standards

DEP's Stormwater Management Policy (March 1997) includes nine standards that are listed on the following pages. Check the appropriate boxes for each standard and provide documentation and additional information when applicable.

Standard #1: Untreated stormwater

- ☐ The project is designed so that new stormwater point discharges do not discharge untreated stormwater into, or cause erosion to, wetlands and waters.



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B. Stormwater Management Standards (cont.)

Standard #2: Post-development peak discharges rates

☐ Not applicable – project site contains waters subject to tidal action.

Post-development peak discharge do not exceed pre-development rates on the site at the point of discharge or downgradient property boundary for the 2-yr and 100-yr, 24-hr storms.

☐ without stormwater controls

☐ with stormwater controls designed for the 24-hr, 2-yr, and 10-yr storms.

☐ The project's stormwater design will not increase off-site flooding impacts from the 100-yr, 24-hr storm.

Standard #3: Recharge to groundwater

Amount of impervious area (sq. ft.) to be infiltrated: _____

Volume to be recharged is based on:

☐ The following Natural Resources Conservation Service hydrologic soils groups (e.g. A, B, C, D, or UA) or any combination of groups:

_____ (% of impervious area)	_____ (Hydrologic soil group)	_____ (% of impervious area)	_____ (Hydrologic soil group)
_____ (% of impervious area)	_____ (Hydrologic soil group)	_____ (% of impervious area)	_____ (Hydrologic soil group)

☐ Site specific pre-development conditions:

Recharge rate _____

Volume _____

Describe how these calculations were determined:

List each BMP or nonstructural measure used to meet Standard #3. (e.g. dry well, infiltration trench).

The annual groundwater recharge for the post-development site approximates the annual recharge from existing site conditions.

☐ Yes

☐ No



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B. Stormwater Management Standards (cont.)

Standard #4: 80% TSS Removal

- ☐ The proposed stormwater management system will remove 80% of the post-development site's average annual Total Suspended Solids (TSS) load.

Identify the BMP's proposed for the project and describe how the 80% TSS removal will be achieved.

If the project is redevelopment, explain how much TSS will be removed and briefly explain why 80% removal cannot be achieved.

Standard #5: Higher potential pollutant loads

Does the project site contain land uses with higher potential pollutant loads (See Stormwater Policy Handbook – Vol. I, page I-23, for land uses of high pollutant loading).

☐ Yes If yes, describe land uses: _____

☐ No

Identify the BMPs selected to treat stormwater runoff. If infiltration measures are proposed, describe the pretreatment. (Note: If the area of higher potential pollutant loading is upgradient of a critical area, infiltration is not allowed.)

Standard #6: Protection of critical areas

Will the project discharge to or affect a critical area? (See Stormwater Policy Handbook – Vol. I, page I-25, for critical areas).

☐ Yes If yes, describe areas: _____

☐ No

Identify the BMPs selected for stormwater discharges in these areas and describe how BMPs meet restrictions listed on pages I-27 and I-28 of the Stormwater Policy Handbook – Vol. I:



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B. Stormwater Management Standards (cont.)

Note:
components of
redevelopment
projects which
plan to develop
previously
undeveloped
areas do not fall
under the scope
of Standard 7.

Standard #7: Redevelopment projects

Is the proposed activity a redevelopment project?

☐ Yes

If yes, the following stormwater management standards have been met:

☐ No

The following stormwater standards have not been met for the following reasons:

- ☐ The proposed project will reduce the annual pollutant load on the site with new or improved stormwater control.

Standard #8: Erosion/sediment control

- ☐ Erosion and sediment controls are incorporated into the project design to prevent erosion, control sediments, and stabilize exposed soils during construction or land disturbance.

Standard #9: Operation/maintenance plan

- ☐ An operation and maintenance plan for the post-development stormwater controls have been developed. The plan includes ownership of the stormwater BMPs, parties responsible for operation and maintenance, schedule for inspection and maintenance, routine and long-term maintenance responsibilities, and provision for appropriate access and maintenance easements extending from a public right-of-way to the stormwater controls.

Plan/Title

Date

Plan/Title

Date

C. Submittal Requirements

DEP recommends that applicants submit this form, as well as, supporting documentation and plans, with the Notice of Intent to provide stormwater management information for Commission review consistent with the wetland regulations (310 CMR 10.05 (6)(b)) and DEP's Stormwater Management Policy (March 1997). If a particular stormwater management standard cannot be met, information should be provided to demonstrate how equivalent water quality and water quantity protection will be provided. DEP encourages engineers to use this form to certify that the project meets the stormwater management standards as well as acceptable engineering standards. For more information, consult the Stormwater Management Policy.



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D. Signatures

Applicant

Date

Signature

Representative

Date

Signature



Massachusetts Department of Environmental Protection

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WPA Appendix D – Areas of Critical Environmental Concern

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Guidance

Projects proposed in the communities listed below may be located in Areas of Critical Environmental Concern (ACECs). To confirm whether the project location is within an ACEC, contact the Conservation Commission or the Department of Environmental Management (DEM) ACEC Program. For additional information or to verify new ACEC designations, contact DEM's ACEC Program at either:

100 Cambridge Street, Room 1404
Boston, MA 02202
617.727.3160 ext. 552

136 Damon Road
Northampton, MA 01060
413.586.8706 ext. 21

B. Towns with ACECs within their Boundaries

<u>Town</u>	<u>ACEC Name</u>	<u>Town</u>	<u>ACEC Name</u>
Barnstable	Sandy Neck/Barnstable Harbor	Mansfield	Canoe River Aquifer
Bolton	Central Nashua River Valley	Mashpee	Waquoit Bay
Boston	Rumney Marshes	Melrose	Golden Hills
	Fowl Meadow and Ponkapoag Bog	Milton	Fowl Meadow and Ponkapoag Bog
	Neponset River Estuary		Neponset River Estuary
Bourne	Pocasset River	Mt. Washington	Karner Brook Watershed,
	Herring River Watershed		Schenob Brook
	Bourne Back River	Newbury	Parker River/Essex Bay
Braintree	Cranberry Brook Watershed	Norton	Hockomock Swamp
Brewster	Pleasant Bay, Inner Cape Cod Bay		Canoe River Aquifer
Bridgewater	Hockomock Swamp	Norwood	Fowl Meadow and Ponkapoag Bog
Canton	Fowl Meadow and Ponkapoag Bog	Orleans	Inner Cape Cod Bay, Pleasant Bay
Chatham	Pleasant Bay	Peru	Hinsdale Flats Watershed
Cohasset	Weir River	Plymouth	Herring River Watershed,
Dalton	Hinsdale Flats Watershed		Ellisville Harbor
Dedham	Fowl Meadow and Ponkapoag Bog	Quincy	Neponset River Estuary
Eastham	Inner Cape Cod Bay	Randolph	Fowl Meadow and Ponkapoag Bog
	Wellfleet Harbor	Raynham	Hockomock Swamp
Easton	Canoe River Aquifer	Revere	Rumney Marshes
	Hockomock Swamp	Rowley	Parker River/Essex Bay
Egremont	Karner Brook Watershed	Sandwich	Sandy Neck/Barnstable Harbor
Essex	Parker River/Essex Bay	Saugus	Rumney Marshes, Golden Hills
Falmouth	Waquoit Bay	Sharon	Canoe River Aquifer
Foxborough	Canoe River Aquifer		Fowl Meadow and Ponkapoag Bog
Gloucester	Parker River/Essex Bay	Sheffield	Schenob Brook
Harvard	Central Nashua River Valley	Stockbridge	Kampoosa Bog Drainage Basin
Harwich	Pleasant Bay	Taunton	Hockomock Swamp, Canoe River Aquifer
Hingham	Weir River, Weymouth Back River	Truro	Wellfleet Harbor
Hinsdale	Hinsdale Flats Watershed	Wakefield	Golden Hills
Holbrook	Cranberry Brook Watershed	Washington	Hinsdale Flats Watershed
Hopkinton	Westborough Cedar Swamp	Wellfleet	Wellfleet Harbor
Hull	Weir River	W. Bridgewater	Hockomock Swamp
Ipswich	Parker River/Essex Bay	Westborough	Westborough Cedar Swamp
Lancaster	Central Nashua River Valley	Westwood	Fowl Meadow and Ponkapoag Bog
Lee	Kampoosa Bog Drainage Basin	Weymouth	Weymouth Back River
Leominster	Central Nashua River Valley	Winthrop	Rumney Marshes
Lynn	Rumney Marshes		